

By the Committee on General Government Appropriations; and
Senator Baker

601-03206-10

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1 A bill to be entitled
2 An act relating to state risk management programs;
3 amending s. 284.01, F.S.; requiring that certain
4 premiums charged to state agencies for coverage by the
5 State Risk Management Trust Fund use a retrospective
6 rating arrangement based upon actual losses accruing
7 to the fund and loss prevention results; amending s.
8 284.36, F.S.; requiring that premiums charged to all
9 departments of the state be computed on a
10 retrospective rating arrangement based on such
11 factors; amending s. 284.50, F.S.; requiring that all
12 agencies that are provided workers' compensation
13 insurance coverage by the fund and that employ more
14 than a specified minimum number of full-time employees
15 establish and maintain return-to-work programs for
16 employees receiving workers' compensation benefits;
17 providing goals for such programs; specifying
18 conditions under which a worker shall be deemed able
19 to fully perform the same work duties as performed
20 before sustaining the injury for which benefits are
21 sought; requiring that the Division of Risk Management
22 of the Department of Financial Services evaluate each
23 agency's risk management programs at specified
24 intervals; requiring that the division provide reports
25 of such evaluations to the head of the agency being
26 evaluated, the Chief Financial Officer, and the
27 director of the Division of Risk Management; requiring
28 that the agency head provide a response to such report
29 within a specified period after receiving the findings

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30 of the report; requiring that the division submit the
31 evaluation report to the chairs of the appropriation
32 committees of the Senate and the House of
33 Representatives under certain circumstances; requiring
34 that the division include specified information in its
35 report beginning in a specified year; providing an
36 effective date.

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38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Subsection (5) of section 284.01, Florida
41 Statutes, is amended to read:

42 284.01 State Risk Management Trust Fund; coverages to be
43 provided.—

44 (5) Premiums charged to agencies for coverage shall be
45 promulgated on a retrospective rating arrangement based upon
46 actual losses accruing to the fund and loss prevention results,
47 taking into account reasonable expectations, maintenance, and
48 stability of the fund and cost of reinsurance.

49 Section 2. Section 284.36, Florida Statutes, is amended to
50 read:

51 284.36 Appropriation deposits; premium payment.—Premiums
52 for coverage by the State Risk Management Trust Fund as
53 calculated on all coverages shall be billed and charged to each
54 state agency according to coverages obtained by the fund for
55 their benefit, and such obligations shall be paid promptly by
56 each agency from its operating budget upon presentation of a
57 bill therefor. After the first year of operation, premiums to be
58 charged to all departments of the state are to be computed on a

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59 retrospective rating arrangement based upon actual losses
60 accruing to the fund and loss prevention results, taking into
61 account reasonable expectations, the maintenance and stability
62 of the fund, and the cost of insurance.

63 Section 3. Section 284.50, Florida Statutes, is amended to
64 read:

65 284.50 Loss prevention program; safety coordinators;
66 Interagency Advisory Council on Loss Prevention; employee
67 recognition program; return-to-work program.—

68 (1) The head of each department of state government, except
69 the Legislature, shall designate a safety coordinator. Such
70 safety coordinator must be an employee of the department and
71 must hold a position that ~~which~~ has responsibilities comparable
72 to those of an employee in the Senior Management System. The
73 Department of Financial Services shall provide appropriate
74 training to the safety coordinators to permit them to
75 effectively perform their duties within their respective
76 departments. Each safety coordinator shall, at the direction of
77 his or her department head:

78 (a) Develop and implement the loss prevention program, a
79 comprehensive departmental safety program which shall include a
80 statement of safety policy and responsibility.

81 (b) Provide for regular and periodic facility and equipment
82 inspections.

83 (c) Investigate job-related employee accidents of his or
84 her department.

85 (d) Establish a program to promote increased safety
86 awareness among employees.

87 (2) There shall be an Interagency Advisory Council on Loss

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88 Prevention composed of the safety coordinators from each
89 department and representatives designated by the Division of
90 State Fire Marshal and the Division of Risk Management. The
91 chair of the council shall be the Director of the Division of
92 Risk Management or his or her designee. The council shall meet
93 at least quarterly to discuss safety problems within state
94 government, to attempt to find solutions for these problems,
95 and, when possible, to assist in the implementation of the
96 solutions. If the safety coordinator of a department or office
97 is unable to attend a council meeting, an alternate, selected by
98 the department head or his or her designee, shall attend the
99 meeting to represent and provide input for that department or
100 office on the council. The council is further authorized to
101 provide for the recognition of employees, agents, and volunteers
102 who make exceptional contributions to the reduction and control
103 of employment-related accidents. The necessary expenses for the
104 administration of this program of recognition shall be
105 considered an authorized administrative expense payable from the
106 State Risk Management Trust Fund.

107 (3) The council and each department head shall report
108 annually to the Governor by January 15 preceding any regular
109 legislative session any actions taken to prevent job-related
110 employee accidents, together with suggestions of safeguards and
111 improvements.

112 (4) All agencies that are provided workers' compensation
113 insurance coverage by the fund and that employ more than 2,500
114 full-time employees shall establish and maintain return-to-work
115 programs for employees receiving workers' compensation benefits.
116 Such programs shall have the primary goal of enabling injured

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117 workers to remain at work or return to work to perform job
118 duties within the physical or mental functional limitations and
119 restrictions established by the worker's treating physician. If
120 no such limitations or restrictions are established in writing
121 by a treating physician, the worker shall be deemed able to
122 fully perform the same work duties as performed before
123 sustaining the injury.

124 (5) The Division of Risk Management shall evaluate each
125 agency's risk management programs, including, but not limited
126 to, return-to-work, safety, and loss prevention programs at
127 least once every 5 years. Reports resulting from these
128 evaluations, including any recommended corrective action, shall
129 be provided to the head of the agency being evaluated, the Chief
130 Financial Officer, and the director of the Division of Risk
131 Management. The agency head must provide to the division a
132 response to all report recommendations within 45 days after
133 receiving such recommendations, and must provide a plan to
134 implement any corrective actions to be taken as part of the
135 response. If the agency disagrees with any recommendations in a
136 final report, including any recommended corrective action, or if
137 the agency fails to implement any recommended corrective action
138 within a reasonable period after receiving such recommendation,
139 the division shall submit the evaluation report to the chairs of
140 the appropriation committees of the Senate and the House of
141 Representatives. Beginning in 2012, the division shall include
142 in its annual report an analysis of agency return-to-work
143 efforts, including agency return-to-work program performance
144 metrics and a status report on participating agency return-to-
145 work programs.

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Section 4. This act shall take effect July 1, 2010.